



#32  
DAC  
(5)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

By:

*Victorie Jones*

Date:

*11/6/02*

**BOX DAC**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent of	: Petitions Examiner
	Lisbeth Illum	:
		:
Pat. No.:	5,707,644	:
Issued:	January 13, 1998	:
		:
Appln. No.:	08/359,937	:
Filed:	December 20, 1994	:
		:
For:	SMALL PARTICLE COMPOSITIONS	: Attorney Docket
	FOR INTRANASAL DRUG DELIVERY	: No. 10774-8U2
		: (WESX/P7482US/M6512)

RECEIVED  
NOV 14 2002  
OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. § 1.28(c) FOR ACCEPTANCE OF DEFICIENCY IN MAINTENANCE FEE**

Pursuant to 37 C.F.R. § 1.28(c), the applicant respectfully request that the U.S. Patent and Trademark Office accept the payment of the deficiency owed in the maintenance fee paid on December 4, 2001, in the amount of \$505.00, enclosed herewith. The applicant submits that the small entity maintenance fee paid on December 4, 2001 in the above-identified patent, was paid in error, and was made in good faith.

Prior to the issuance of the above-identified patent, on August 19, 1997, the applicant properly filed a notification that the application was no longer entitled to small entity status. A copy of the notification is enclosed herewith as Attachment A. The issue fee was paid as a large entity, and the U.S. Patent and Trademark Office accepted such payment. See, Attachment B.

On December 4, 2001, the applicant's maintenance fee service paid to the U.S.P.T.O. the large entity maintenance fee due under 37 C.F.R. § 1.20(e) in the amount \$880.00, as well as the large entity late payment surcharge under 37 C.F.R. § 1.20(h) in amount of \$130.00. The total payment was therefore \$1010.00.

11/14/2002 TTRAN1 00000021 08359937

01 FC:1559

850.00 OP

199710 v1

Adjustment date: 12/04/2002  
11/14/2002 TTRAN1 00000021 08359937  
01 FC:1559  
12/04/2002 AKELLEY 00000007 5707644  
505.00 OP  
01 FC:1559  
Repln. Ref: 12/04/2002 AKELLEY 0010502600  
DAH:501017 Name/Number:5707644  
FC: 9204 \$345.00 CR

On December 28, 2001, the applicant's payment service was notified by telephone by Ms. Dionne McKinney of the U.S.P.T.O. Maintenance Fee Division that the December 4<sup>th</sup> large entity payment was not appropriate and the large entity payment would not be accepted because the patent, according to the PTO records, was entitled to small entity status. Ms. McKinney informed the applicant's service that it had five business days to provide notification to the USPTO under 37 C.F.R. § 1.28 that the application was no longer entitled to small entity status. The applicant's service attempted, but was unable to contact the applicant during the five day period, as the applicant is overseas and it was during the Christmas/New Year holiday, when many of the applicant's employees were on holiday.

Unsuccessful in its attempts to contact the applicant, the service accepted refund of the large entity fees, thereby reducing the maintenance fee payment of December 4<sup>th</sup> to \$505.00 (the small entity fee (\$440.00) + the small entity surcharge (\$65.00)), the amount due if the patent was entitled to small entity status.

Accordingly, it is requested that the U.S.P.T.O. excuse the error made in payment of the small entity amount, and accept the deficiency owed, in the amount of \$505.00, calculated as follows:

Maintenance fee owed (large entity) under § 1.20(e)	\$880.00
<u>Surcharge for late payment owed (large entity) under § 1.20(h)</u>	<u>\$130.00</u>
Total amount owed	\$1010.00
 Amount paid to USPTO, after refund	 \$505.00

Therefore, the deficiency is \$ 505.00, the difference between the amount owed and the amount paid, after refund from the USPTO (\$1010.00 – \$505.00).

The applicant respectfully requests that the U.S.P.T.O. accept the deficiency payment enclosed hereto of \$505.00. The Commissioner is hereby authorized to charge Deposit Account No. 50-1017 (**Billing No. 210774.0009**) for any deficiencies or overpayments in the

above-calculated fee. A duplicate copy is enclosed.

Respectfully submitted,

**LISBETH ILLUM**

6 november 2002  
(Date)

By:

Kristyne A. Bullock  
**KRISTYNE A. BULLOCK**

Registration No. 42,371

**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**

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**Direct Dial: (215) 965-1348**

Facsimile: (215) 965-1210

E-Mail: kbullock@akingump.com

KAB/vj

Enclosures: *Attachment A*  
*Attachment B*  
*Check for \$505.00*

**ATTACHMENT A**



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lisbeth Illum

Serial No.: 08/359,937

Batch No.: N31

Filed: December 20, 1994

Examiner: G. Kishore  
Group Art Unit: 1502

For: *Small Particle Compositions for Intranasal Drug Delivery*

Box Issue Fee  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

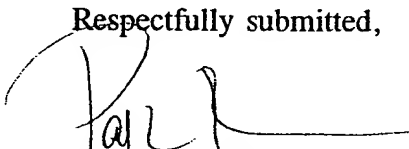
TRANSMITTAL OF ISSUE FEE

Sir:

Transmitted herewith are the Issue Fee Transmittal Form PTOL-85B, a check covering the issue fee in the amount of \$1,290.00, and a check in the amount of \$45.00 covering the cost of fifteen copies of the patent.

Pursuant to 37 C.F.R. § 1.28(b), Applicants hereby notify the U.S. Patent and Trademark Office that the application is no longer entitled to small entity status.

Respectfully submitted,

  
Patrea L. Pabst  
Reg. No. 31,284

Date: August 19, 1997

ARNALL GOLDEN & GREGORY, LLP  
2800 One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3450  
404/873-8794

U.S.S.N. 08/359,937  
Filed December 20, 1994  
TRANSMITTAL OF ISSUE FEE



CERTIFICATE OF MAILING UNDER 37 CFR § 1.10

I hereby certify that this Transmittal of Issue Fee and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, August 19, 1997, in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, Mailing Label Number EM181252438US addressed to Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231.

A handwritten signature in cursive script, appearing to read "E Mukasa".

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Eva Mukasa

# PART B—ISSUE FEE TRANSMITTAL

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 2 through 6 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders, and notification of maintenance fees will be mailed to addresses entered in Block 1 unless you direct otherwise, by: (a) specifying a new correspondence address in Block 3 below; or (b) providing the PTO with a separate "FEE ADDRESS" for maintenance fee notifications with the payment of issue fee or thereafter. See reverse for Certificate of Mailing, below.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

1. CORRESPONDENCE ADDRESS

15M1/0523

PATREA L. PABST  
ARNALL, GOLDEN & GREGORY  
2800 ONE ATLANTIC CENTER  
1201 WEST PEACHTREE STREET  
ATLANTA GA 30309-3400

2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change)

INVENTOR'S NAME

Street Address

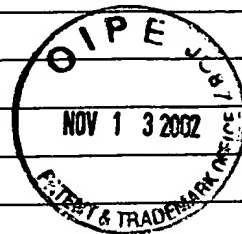
City, State and Zip Code

CO-INVENTOR'S NAME

Street Address

City, State and Zip Code

☐ Check if additional changes are enclosed



APPLICATION NO.

FILING DATE

TOTAL CLAIMS

EXAMINER AND GROUP ART UNIT

DATE MAILED

08/359,937

12/20/94

013

KISHORE, G

1502

05/23/97

First Named Applicant

ILLUM,

LISBETH

TITLE OF INVENTION SMALL PARTICLE COMPOSITIONS FOR INTRANASAL DRUG DELIVERY

ATTY'S DOCKET NO.

CLASS-SUBCLASS

BATCH NO.

APPLN. TYPE

SMALL ENTITY

FEE DUE

DATE DUE

1

EPC148C1

424-434.000

N31

UTILITY

YES

\$645.00

08/25/97

3. Correspondence address change (Complete only if there is a change)

4. For printing on the patent front page, list the names of not more than 3 registered patent attorneys or agents OR, alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed.

1 Arnall Golden & Gregory, LLP

2

3

5. ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (print or type)

(1) NAME OF ASSIGNEE:

Danbiosyst UK Limited

(2) ADDRESS: (CITY & STATE OR COUNTRY)

Nottingham, England

6a. The following fees are enclosed:

☒ Issue Fee ☒ Advance Order - # of Copies 15

6b. The following fees should be charged to:

DEPOSIT ACCOUNT NUMBER 01-2507

(ENCLOSE A COPY OF THIS FORM)

☐ Issue Fee ☐ Advance Order - # of Copies

☒ Any Deficiencies in Enclosed Fees

A. ☐ This application is NOT assigned.

☒ Assignment previously submitted to the Patent and Trademark Office.

☐ Assignment is being submitted under separate cover. Assignment should be directed to Box ASSIGNMENTS.

PLEASE NOTE: Unless an assignee is identified in Block 5, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

## Certificate of Mailing

Note: If this certificate of mailing is used, it can be used to transmit the Issue Fee. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

on: (Date)

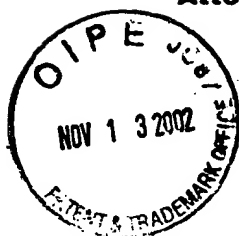
(Name of person making deposit)

(Signature)

(Date)

RECEIVED  
MAY 27 1997

PATENT DEPT.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Anticipated Classification of this application:

Class 424 Subclass         

Serial Number: 0 8 / 065,676

PRIOR APPLICATION Examiner: G. Kishore

Art Unit: 1502

**Box FWC**

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL**

**WARNING:** This form cannot be used where the parent case may not be abandoned since the filing of a request under the FWC procedure "will be considered to be a request to expressly abandon the prior application as of the filing date granted to the continuing application." 37 CFR 1.62(g).

**WARNING:** This procedure can only be used for a pending application prior to payment of the issue fee. 37 CFR 1.62(a) except if the parent application was withdrawn under 37 CFR 1.313(b)(5) "to permit consideration of an information disclosure statement under 1.97 in a continuing application." See Notice of January 9, 1992 (1135 O.G. 13-25 at 21).

**WARNING:** The filing of an application at the United States stage of an international application requires an oath or declaration. 37 CFR 1.61(a)(4).

**WARNING:** The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP § 706.07(b).

**WARNING:** An application under 37 CFR 1.62 is filed by making changes by amendment to the prior application, 37 CFR 1.62(a), and not by filing a new application. 37 CFR 1.62(e).

**WARNING:** Filing under 37 CFR 1.62 is permitted only if filed by the same or less than all the inventors named in the prior application. 37 CFR 1.62(a).

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this FWC Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date December 20, 1994 in an envelope as "Express Mail Post Office to Addressee" mailing Label Number 7655980391US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Mark J. Laffey

(Type or print name of person mailing paper)

(Signature of person mailing paper)

**NOTE:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b)).

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

(FWC [4-2]—page 1 of 11)



This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- ☒ continuation
- ☐ divisional
- ☐ continuation-in-part (for oath or declaration see III below)  
attached is an amendment for added subject matter
- ☐ continuing application to permit consideration of an information disclosure statement under 37 CFR 1.97.

NOTE: The filing date under 37 CFR 1.62(a) is "... the date on which a request is filed for an application ... including identification of the Serial Number, filing date and applicant's name of the prior application". The prior application under 37 CFR 1.62(a) must be "... a prior complete application." According to 37 CFR 1.51(a) a prior complete application comprises: (1) a specification, including a claim or claims; (2) a declaration; (3) drawings; when necessary; and (4) the prescribed filing fee. Accordingly, as presently worded, 37 CFR 1.62(f) does not permit the FWC procedure to be used where the prior application is pending but only the processing and retention fee required by 37 CFR 1.21(f) is paid.

#### **PARTICULARS OF PRIOR APPLICATION**

- This application is a file wrapper continuing application of USSN 08/065,676
- A. filed May 21, 1993; which is a continuation-in-part of USSN 07/842,351 filed March 24, 1992; which is the U.S. National Stage of PCT/GB90/01676 filed November 1, 1990; which corresponds to UK 8924935.3 filed November 4, 1989
  - B. Title (as originally filed) "SMALL PARTICLE COMPOSITIONS FOR INTRANASAL DRUG DELIVERY" and as last amended) N/A
  - C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s)

SEE FOLLOWING PAGE FOR THIS INFORMATION

1. FULL NAME OF INVENTOR	FAMILY NAME  ILLUM	FIRST GIVEN NAME  Lisbeth	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY  The Park	STATE OR FOREIGN COUNTRY  ENGLAND	COUNTRY OF CITIZENSHIP  DENMARK
POST OFFICE ADDRESS	POST OFFICE ADDRESS 19 Cavendish Crescent North	CITY The Park, Nottingham	STATE & ZIP CODE/COUNTRY ENGLAND NG7 1BA
2. FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
3. FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

☐ Continued on added page for Inventor's Data

The above identified application, in which no payment of issue fee, abandonment of (other than where the above identified application was abandoned under 37 CFR 1.313(b)(5) to permit consideration of an information disclosure statement under 37 CFR 1.97), or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

## II. Inventorship statement

NOTE: "If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application." 37 CFR 1.62(a) [emphasis added].

NOTE: "In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses and claims only subject matter disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors in the prior application." 37 CFR 1.60(c).

(complete applicable item (a), (b) and/or (c) below)

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
- ☒ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

---

(type name(s) of inventor(s) to be deleted )

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are
- ☐ the same
- ☐ add the following additional inventor(s)

---

(type name of inventor(s) to be added )

- (c) The inventorship for all the claims in this application is
- ☒ the same
  - ☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

### III. Declaration or oath

#### A. Continuation or divisional

- ☒ none required

#### B. Continuation-in-part

- ☐ attached

executed by (check all applicable items)

- ☐ inventor(s).
- ☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR 1.47;
- ☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. (See item VIII below for fee.)
- ☐ not attached
  - ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above named applicant(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.)
  - ☐ Attached is a showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).)

### IV. Identification of Claims for Further Prosecution

**WARNING:** "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP, § 706.07(b).

- ☒ The fees to be charged are to be based on the number of claims remaining as a result of the:
  - ☐ attached preliminary amendment.
  - ☐ the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.
  - ☒ the claims as on file in the prior application.

### V. Fee Calculation (37 CFR 1.16)

**NOTE:** The filing fee for a continuation, continuation-in-part, or divisional application is based on the number of claims remaining in the application after entry of any preliminary amendment and entry of any amendments under 37 CFR 1.116 unentered in the prior application which is requested to be entered in this FWC application. 37 CFR 1.62.

### CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a)
			<del>\$710.00</del> XXXXXX \$730.00
Total			
Claims (37 CFR 1.16(c)) 14-20 =	0	X \$ 22.00	0
Independent			
Claims			
(37 CFR 1.16(b)) 1-3 =	0	X \$ 74.00	0
Multiple dependent claim(s), if any			
(37 CFR 1.16(d))		+ \$230.00	0

☐ The fee for extra claims is not being paid at this time.

Filing fee calculation \$ 730.00

**NOTE:** If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

### VI. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

**NOTE:** Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

(check the next item, if applicable)

☒ There is provided herewith a Petition to Suspend Prosecution for the time Necessary to File an Amendment (New Application Filed Concurrently).

### VII. Small Entity Statement

☐ A verified statement that this is a filing by a small entity is attached.

☒ The small entity statement was filed in the parent application Serial No. 08/065,676 which parent application was filed on May 21, 1993 and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

Reduced filing fee calculation (50% of above) \$ 365.00

**NOTE:** 37 CFR 1.28(a) states "Status as a small entity must be specifically established by a verified statement filed in each application or patent in which the status is available and desired, except those applications filed under § 1.60 or § 1.62 of this part where the status as a small entity has been established in a parent application and is still proper."

The last sentence of 37 CFR 1.28(a) states: "Applications filed under § 1.60 or § 1.62 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."

Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

### VIII. Fee Payment Being Made at This Time

#### Not attached

- ☐ No filing fee is submitted. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)

#### Attached

- ☒ filing fee \$ 365.00
- ☐ recording assignment (\$40.00; 37 CFR 1.21(h)). For payment of fee see item XIV below.
- ☐ petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_
- ☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be timely paid or the processing and retention fee in § 1.21(l) must be paid within 1 year from the notification under § 1.53(d).

Total fees enclosed \$ 365.00

### IX. Method of Payment of Fees

- ☒ Attached is check in the amount of \$ 365.00
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_
- ☐ A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

### X. Authorization to Charge Additional Fees

**WARNING:** If no fee payment is made at this time this item should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. 12-2147:
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed" (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance, 37 CFR 1.311(b).

From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. Notification of any change of status resulting in loss of entitlement to small entity status must be filed in the application prior to, or at the time of, paying the issue fee. 37 CFR 1.28(b).

#### **XI. Instructions as to Overpayment**

- ☒ Credit Account No. 12-2147
- ☐ Refund

#### **XII. Priority—35 U.S.C. 119**

- ☒ Priority of application Serial No. 0 / 8924935.3 filed on November 4, 1989 in England is claimed under 35 U.S.C. 119. (country)
- ☒ The certified copy has been filed on March 24, 1992 in prior U.S. application Serial No. 0 7 / 842,351, which prior application was filed on March 24, 1992
- ☐ certified copy will follow

#### **XIII. Relate Back—35 U.S.C. 120**

- ☒ Amend the specification by inserting before the first line the sentence:
- "This is a
- ☒ continuation
- ☐ divisional
- ☐ continuation-in-part
- of copending application(s)
- ☒ Serial Number 08 / 065,676 filed on May 21, 1993"
- ☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

**NOTE:** The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

#### **XIV. Assignment**

- ☒ The prior application is assigned of record to DANBIOSYST UK LIMITED

☐ An assignment of the invention to \_\_\_\_\_

is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

NOTE: "If an assignment is submitted with a new application, send two separate letters - one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

### XV. Power of Attorney

The power of attorney in the prior application is to

Anthony M. Lorusso et al

25,059

(Attorney)

(Reg. No.)

- a. ☐ The power appears in the original papers in the prior application.  
b. ☒ The power does not appear in the original papers, but was filed on July 9, 1993  
c. ☐ A new power has been executed and is attached.  
d. ☒ Address all future communications to:

Anthony M. Lorusso

25,059

(Name)

(Reg. No.)

LORUSSO & LOUD

(Address)

440 Commercial St., Boston, MA 02109 (617)227-0700

(Tel. No.)

(Item d may only be completed by applicant, or attorney or agent of record.)

### XVI. Maintenance of Copendency of Prior Application

(This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run.)

- ☒ A petition, fee and response has been filed to extend the term in the pending prior application until December 20, 1994

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- ☒ A copy of the petition for extension of time in the prior application is attached.

### XVII. Conditional Petitions for Extension of Time in Prior Application

(complete this item and file conditional petition in prior application if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending prior application

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- ☐ A copy of the conditional petition for extension of time in the prior application is attached.



### **XVIII. Abandonment of Prior Application**

- ☒ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XIII above.

*NOTE: According to the Notice of May 13, 1983 (103 TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.*

*NOTE: "A registered attorney or agent acting under the provisions of § 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.*

### **XIX. Information Disclosure Statement**

- ☐ Submitted herewith is an Information Disclosure Statement.

### **XX. Assignee Certification**

**WARNING:** When an assignee files a continuation or divisional application (under 37 CFR 1.53, 1.60 or 1.62), reference may be made to a statement filed under 37 CFR 3.73(b) in the parent application or a copy of that statement may be filed. A newly executed statement under 37 CFR 3.73(b) must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

*(complete the following if the assignee is signing below)*

- ☐ This is a ☐ continuation ☐ divisional application and the statement under 37 CFR 3.73(b)
- ☐ has been filed in the parent application.
- ☐ a copy of the previously filed statement in the parent application is attached.
- ☐ This is a continuation-in-part application and a "CERTIFICATE UNDER 37 CFR 3.73(b)" is attached.

\_\_\_\_\_  
*(type or print name of person signing declaration)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
*(P.O. Address of Signatory)*

*(if applicable)*

Tel. No.: (       )

Reg. No.:

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☐ Attorney or agent of record
- ☐ Filed under Rule 34(a)

(complete the following if applicable)

Danbiosyst UK Limited

(type name of assignee)

6 William Lee Bldg., Highfields Science Park,

(Address of assignee)

Nottingham NG7 2RQ, ENGLAND

(Title of person authorized to sign on behalf of assignee)

Assignment recorded in PTO on July 12, 1993

Reel 6719 Frame 0465-0466

- ☐ Plus ADDED PAGE FOR INVENTOR'S DATA FOR FWC FILING  
☐ Plus ASSIGNMENT (DOCUMENT) COVER LETTER ACCOMPANYING  
NEW PATENT APPLICATION

SIGNATURE OF ATTORNEY

Anne E Fitzpatrick

Reg. No.

37,132

Anne E. Fitzpatrick

(type or print name of attorney)

Tel. No.: ~~XXXX~~ (617)227-0700

LORUSSO & LOUD

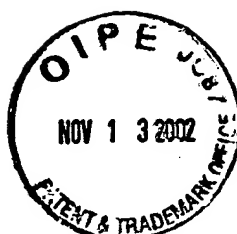
440 Commercial Street

(P.O. Address)

Boston, MA 02109

**ATTACHMENT B**

Docketing



The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicant: Lisbeth Illum

Serial & Docket No. 08/359,937 WC103

Filed: December 20, 1994

Papers Submitted:

Transmittal of Issue Fee with Certificate of Mailing by Express Mail #EM181252438US, Form PTOL-85B (in duplicate), checks in the amount of \$1,290.00 and \$45.00

The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicant: Lisbeth Illum

Serial & Docket No. 08/359,937 WC103

Filed: December 20, 1994

Papers Submitted:

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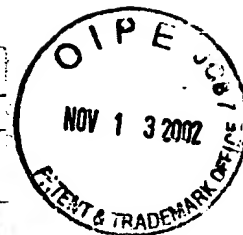
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Date: August 19, 1997

By: Patrea L. Pabst, Reg. No. 31,284

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**Patrea L. Pabst, Esq.**  
**ARNALL, GOLDEN & GREGORY**  
**1201 W. PEACHTREE ST NW #2800**  
**ATLANTA GA 30309-3450**  
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**Patrea L. Pabst, Esq.**  
**ARNALL, GOLDEN & GREGORY**  
**1201 W. PEACHTREE ST NW #2800**  
**ATLANTA GA 30309-3450**  
**20260-0010; WC103 Issue Fee**

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*Patricia S. Greer*  
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8/18/97	398995	Filing fees	20260	10	1,290.00
For filing fees paid to US Patent and Trademark Office for payment of patent issue fee on 8/18/97					
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Disbursements Total:					45.00